

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL
PAP, AND MECHANICAL VENTILATOR
PRODUCTS LITIGATION

Master Docket: No. 21-mc-1230-JFC
MDL No. 3014

PHILIPS RS NORTH AMERICA LLC and
PHILIPS NORTH AMERICA LLC,

No. 2:24-cv-01077

Plaintiffs,

v.

PSN LABS, LLC,

Defendant.

**PLAINTIFFS' RESPONSE TO DEFENDANT'S CLARIFICATIONS
REGARDING MOTION FOR CONSOLIDATION INTO MDL**

Plaintiffs Philips RS North America LLC and Philips North America LLC write in response to the Court's Order (ECF No. 2973) to advise the Court of any objections to the clarifications set forth in paragraph four of Defendant PSN Labs, LLC's ("PSN") Response to Plaintiffs' Motion for Consolidation into MDL (ECF No. 2962). In that paragraph, PSN requested that the "Court's Order of Consolidation expressly state: i) that consolidation is for pretrial purposes only; ii) that PSN Labs, LLC will be permitted to obtain copies all [sic] prior discovery in the Philips MDL; and iii) that PSN Labs LLC will be permitted to participate in all Discovery Master and Court scheduled conferences in the Philips MDL." (*Id.*) Plaintiffs do not object to any of these three requests, but would clarify with respect to point ii) that while Plaintiffs will produce to PSN all the documents they have produced in the Philips MDL, Plaintiffs are not authorized to, and therefore will not, produce documents that were produced in the Philips MDL by others.

Plaintiffs do not understand PSN to be asking Plaintiffs to produce documents that were produced by others, and so Plaintiffs are making this clarification only in an abundance of caution.

A proposed order is attached for the Court's consideration.

Dated: September 23, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 23, 2024, the foregoing Response was filed electronically with the Clerk of Court, using the CM/ECF system. Notice of this filing will be sent to all parties who have appeared of record by operation of the Court's ECF system.

/s/ Michael H. Steinberg

Michael H. Steinberg